State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Engineering Division
Honolulu, Hawaii 96813

August 12, 2011

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

APPLICATION FOR A DLNR DAM SAFETY CONSTRUCTION/ALTERATION PERMIT
PERMIT NO. 58 – NAPILI 4-5 DESILTING BASIN (MA-0127)
DAM OUTLET MODIFICATION, NAPILI, MAUI, HAWAII

The Engineering Division hereby submits an application for your approval and authorization for the Chairperson and Department to stipulate conditions and issue a Dam Safety Construction/Alteration Permit for the subject application, "Outlet Modification of the NAPILI 4-5 DESILTING BASIN", pursuant to Hawaii Revised Statutes Chapter 179D.

APPLICANT:
Ms. Rowena Dagdag-Andaya
Deputy Director of Public Works
County of Maui
Department of Public Works
200 South High Street
Wailuku, Maui, Hawaii 96793

LANDOWNER:
Russell Y. Tsuji, Administrator
State of Hawaii
Department of Land and Natural Resources
Land Division
1151 Punchbowl Street, Room 220
Honolulu, HI 96813
TMK: (2) 4-3-001:003

SUMMARY OF REQUEST:
Application for a Dam Safety Construction/Alteration Permit for the outlet improvement of the Napili 4-5 Desilting Basin, Napili, Maui, Hawaii (See Exhibit 1)

LOCATION: Napili, Maui, Hawaii
TMK: (2) 4-5-021:022 – State of Hawaii (See Exhibit 2)

ITEM L-4

BACKGROUND:
The Napili 4-5 Desilting Basin was constructed in the 1980s to allow rainwater run-off to settle out before entering the ocean at Napili Bay. The basin was designed by the Soil Conservation Service (SCS) and is currently maintained by Maui County, Department of Public Works. The Natural Resources Conservation Service (NRCS) in consultation with the local community has proposed to make modifications to the upstream side of the outlet at the basin in an effort to reduce the level of siltation in the water entering the ocean at Napili Bay

The embankment at the Napili 4-5 Desilting Basin Dam is 14.1 feet and has a length of 270 feet. The surface area of the reservoir at the dam crest is approximately 2.3 acres. The dam impounds 25.2 ac-ft of water at the crest. There is an uncontrolled "puka" pipe inlet on the upstream slope which allows stormwater runoff to pass through a 12 inch concrete encased pipe. The dam was designed by the SCS to overtop in extreme flood events and thus has a concrete faced downstream slope to protect the embankment from erosion in such circumstances. The dam has a size classification of "small" and hazard potential classification of "high". (See Exhibit 3)

An August 2010 Phase I Dam Inspection Report by GEI Consultants, Inc. determined that the dam's overall condition was "CONDITIONALLY FAIR". The potential dam safety deficiency was noted to be the 'apparent lack of erosion protection at the abutment contacts'.

An application for the outlet modification of the Napili 4-5 Desilting Basin was filed on July 15, 2011 by the NRCS, on behalf of the County of Maui, Department of Public Works which operates and maintains the dam and reservoir. It should be noted that this structure may fall below the regulatory size and volume for the Dam Safety Program. The County of Maui may pursue requesting the Board to remove this structure from regulatory oversight in the future. However, until then it will continue to be a regulated structure.

PROJECT DESCRIPTION:
The County of Maui is proposing to add a screened intake system to the outlet pipe. Three manually operated gates on the screened intake structure will allow the more rapid draining of the basin from three different elevations should the screen become clogged. The system has been designed to have the same flow capacity of the existing "puka" pipe intake. These improvements are seen to be minor improvements at the facility as very little earth on the upstream face of the dam will be disturbed during the construction sequence. (See Exhibit 4)

HRS CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:
The Engineering Division conducted a review for compliance with HRS Chapter 343 and concurs with the County of Maui's determination that the project qualifies for an exemption from the preparation of an environmental assessment. In accordance with the Exemption List for the County of Maui reviewed and concurred upon the Environmental Council on January 10, 2007. The subject project is considered to be exempt from the preparation of an environmental assessment pursuant to Exemption Class 2 that states: "Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced." The applicable subclass is 1 that includes "drainage facilities, earth berms, and stream banks without historic value." (See Exhibit 5)

REMARKS:
The applicant (County of Maui DPW), the owner (DLNR), and the applicant's consultant (NRCS), have completed a basis of design, plans and specifications for the outlet modification, and bid and awarded the project. The County of Maui has requested for the approval of the submitted dam safety construction/alteration permit. The staff of the Dam Safety Program has reviewed the documents and concluded that they are sufficient for their intended purposes. Staff recommends approval of this permit application subject to the Dam Safety Permit General and Special Conditions. (See Exhibit 6)

SPECIAL CONDITIONS:

1. An Operations & Maintenance Manual be submitted to the Dam Safety Program prior to the start of construction.

RECOMMENDATION:
That the Board:

1. Authorize the approval and issuance of the Dam Safety Construction/Alteration Permit for this project; and
2. Direct the Chairperson to issue a dam safety permit for the outlet modification at the Napili 4-5 Desilting Basin (DLNR Dam Safety Construction/Alteration Permit No. 58) subject to such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.
3. Authorize the Department to oversee the permitted work and take appropriate action including but not limited to selecting and procuring testing or professional services to verify construction work, approval of minor revisions and changes, issuance of fines and /or revocation of the permit, if necessary.

Respectfully submitted,

CARTY S. CHANG
Chief Engineer

APPROVED FOR SUBMITTAL:

WILLIAM J. AILA, JR., Chairperson
Board of Land and Natural Resources

Exhibit(s):
1 Owner Permit Application
2 Location Map / TMK Map
3 Site Images
4 Partial Construction Drawing set
5 Environmental Assessment Exemption Justification (Chapter 343 HRS)
6 Dam Safety Permit General Conditions

'11 JUL 18 AM 10:19 ENGINEERING

State of Hawaii
BOARD OF LAND AND NATURAL RESOURCES
Department of Land and Natural Resources
Engineering Division

APPLICATION FOR APPROVAL OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION, ENLARGEMENT, REPAIR, ALTERATION, OR REMOVAL OF A DAM

Date of Application: July 14, 2011

Applicant:
Contact Name: Rowena Dagdag-Andaya Firm / Company: County of Maui

Mailing Address 200 South High Street, Wailuku, Maui, Hawaii 96793

Telephone: (808) 270-7845 Fax: (808) 270-7955 Email: Public.Works@co.maui.hi.us

The Applicant hereby applies to the Board of Land and Natural Resources for the approval of the attached plans and specification for the outlet modification construction (construction, etc.) in accordance with Chapter 179D HRS (as amended by Act 262, SLH 2006), and subject to the provisions, conditions, and limitations of the current Hawaii Administrative Rules and various DLNR dam safety guidelines.

Accompanying this application are:

	(please check)
1. Filing fee ($25.00) (Waived for government agencies)	(waived)
2. Three (3) copies of the Detailed Cost Estimate	x
3. Three (3) copies of the Final Design Report	(see support)
4. Three (3) copies of the Plans	x
5. Three (3) copies of the Specifications	x
6. Proposed Construction Schedule	(see support)
7. Supporting documents:	
Outlet Modification Design Summary	x

NAME OF STRUCTURE: Napili 4-5 Desilting Basin (MA-0127)

DAM OR RESERVOIR LOCATION: Napili, upstream of Lower Honoapiilani Road

Island: Maui Tax Map Key: (2) 4-3-001:003

Attach USGS topographic map (scale 1" = 2000') and property tax map (showing location access to site, proposed work)

State Land Use District: ☑ Agriculture ☐ Urban ☐ Rural ☐ Conservation

BRIEF DESCRIPTION OF WORK TO BE PERFORMED

Restore desilting valve on outlet works of 14-foot earthen dam to replace missing butterfly valve, enabling controlled release of detained stormwater via three-port outlet.

Exhibit 1

TECHNICAL INFORMATION:

1. Drainage Area 0.91 sq. miles or 595 acres

2. Classification of Dam Size classification: small; Hazard potential classification: high

3. Type of Structure Earthfill embankment

4. Elevation-Area-Capacity Data:

	Elevation	Surface Area (acres)	Total Storage Volume (acre-feet)
Natural Streambed	28.6	NA	NA
Primary Spillway	40.6	2.6	25.2
Secondary Spillway	NA	NA	NA
Top of Dam	41.4 (max)	2.4	27.3
Design Water Level	variable; temporary stormwater detention		
Invert of Drain	28.0	1.0	3.6

5. Spillway Details (Type, Dimensions, Material)
   Primary: Overtopping embankment; 270' x 12' (typ.); reinforced concrete crest
   Secondary: NA

6. Purpose of Structure Desilting basin: stormwater detention for improved water quality
   (water supply, irrigation, recreation, real estate development, etc.)

7. Attach rainfall and stream flow records, and flood-flow records and estimates (as accurately as may be readily obtained)

ADDITIONAL INFORMATION

1. Primary Owner Contact (if different from applicant)
   Owner Company or Entity: State of Hawaii, Dept. of Land and Natural Resources
   Mailing Address 1151 Punchbowl Street, Honolulu, HI 96813
   Telephone: (808)587-0400 Fax: _____ Email: _____

2. Registered Hawaii Professional Engineer who prepared the plan _____
   Sharon Sawdey, USDA NRCS
   Mailing Address 300 Ala Moana Blvd, Rm 4-118, Honolulu, Hawaii 96850
   Registration No. CMI Engineer No. 12475
   Telephone: (808) 541-2600 x1 Fax: (808) 541-1336 Email: sharon.sawdey@hi.usda.gov

3. Registered Professional Engineer to be responsible for inspection during construction _____
   Sharon Sawdey, USDA NRCS

4. Contractor (If known) Ashe-Poulson General Contracting, LLC
   Mailing Address PO Box 1036, Puunene, Maui, Hawaii 96784
   Telephone: (808) 871-4767 Fax: (808) 871-6766 Email: _____

5. List all other permits applications submitted to other governmental agencies:
   Special Management Area (SMA) permit: exemption granted 7/12/11; Flood Development Permit (ZAED); Building / Inspection Permit (Development Services Administration).

6. Anticipated effect of proposed structure on natural environment: _____
   Increased sediment removal efficiency and improved water quality of stormwater discharge.

Exhibit 1

7. List all other parties that have ownership or other interest on the parcels where the dam and reservoir are located and identify their interest in the property. The Owners herein listed below concur with the work proposed within this application by the applicant and by his/her signing hereto, the owner of the land extends to the Board of Land and Natural Resources, and its designated representatives, a right-of-entry onto the project site to conduct any investigations or inspections required in compliance with the provisions of Chapter 13-190, Hawaii Administrative Rules. (Submit additional copies of this sheet should there be more owners)

[signature] Chairperson	1151 Punchbowl St., #220; Honolulu, HI 96813; Owner
(Signature of Owner)	(Address / Interest in Dam or Reservoir)
(Signature of Owner)	(Address / Interest in Dam or Reservoir)
(Signature of Owner)	(Address / Interest in Dam or Reservoir)
(Signature of Owner)	(Address / Interest in Dam or Reservoir)
(Signature of Owner)	(Address / Interest in Dam or Reservoir)
(Signature of Owner)	(Address / Interest in Dam or Reservoir)
(Signature of Owner)	(Address / Interest in Dam or Reservoir)
(Signature of Owner)	(Address / Interest in Dam or Reservoir)

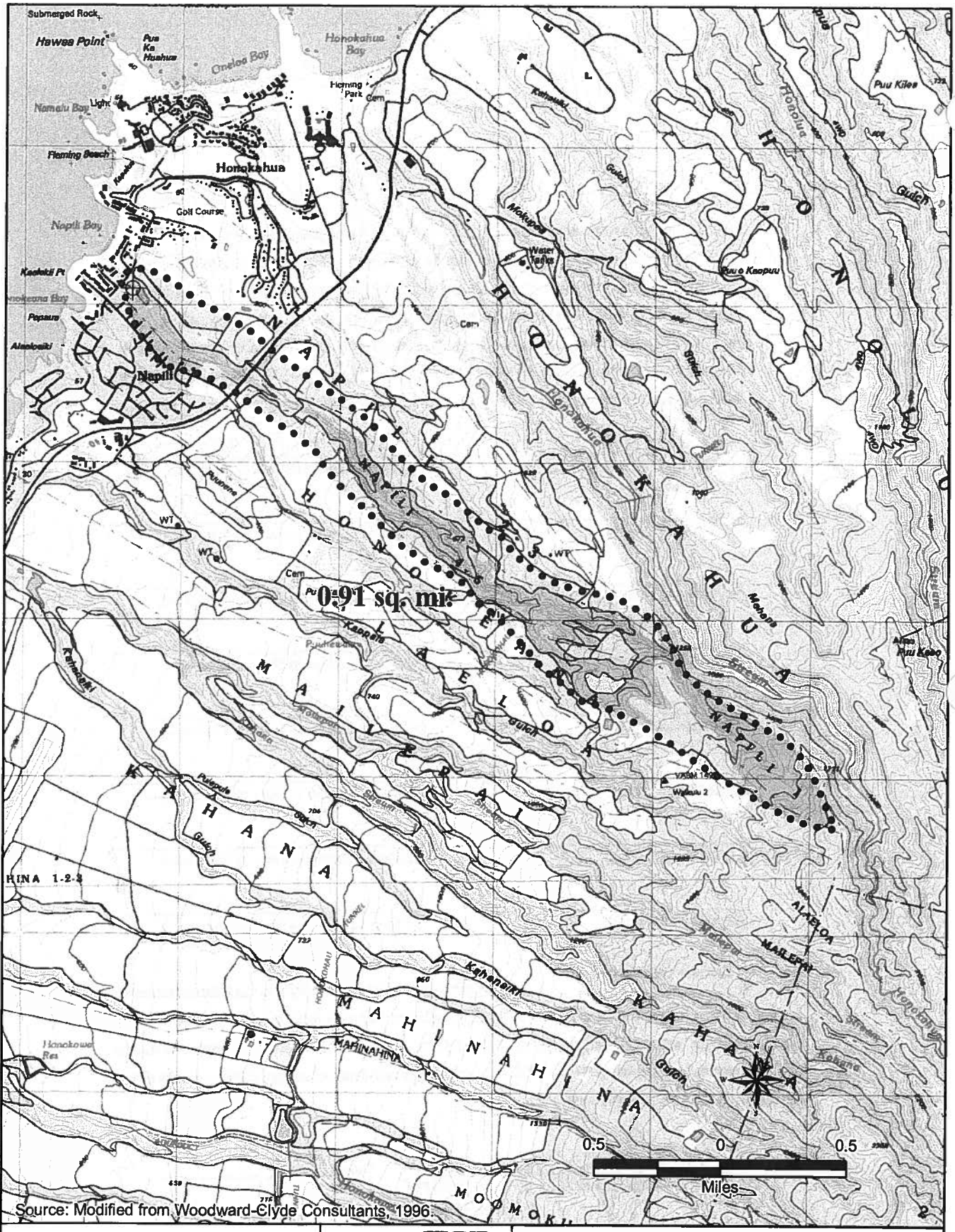
I, Rowena Dagdag-Andaya, the applicant, hereby certify that the information herein is true and factual to the best of my knowledge. Signing below indicates that the applicant understands that, if the permit requested is granted by the Board of Land and Natural Resources, the proposed work is to be initiated and completed within two (2) years of the approval date, unless specifically permitted in the approved permit terms and conditions.

[signature] Deputy Director of Public Works County of Maui

(Signature of Applicant & Title)

Date: 7-14-11

Exhibit 1



07-Nov-09 S:/GIS/Projects/072890_SOH/Watershed-Napili4-5.mxd

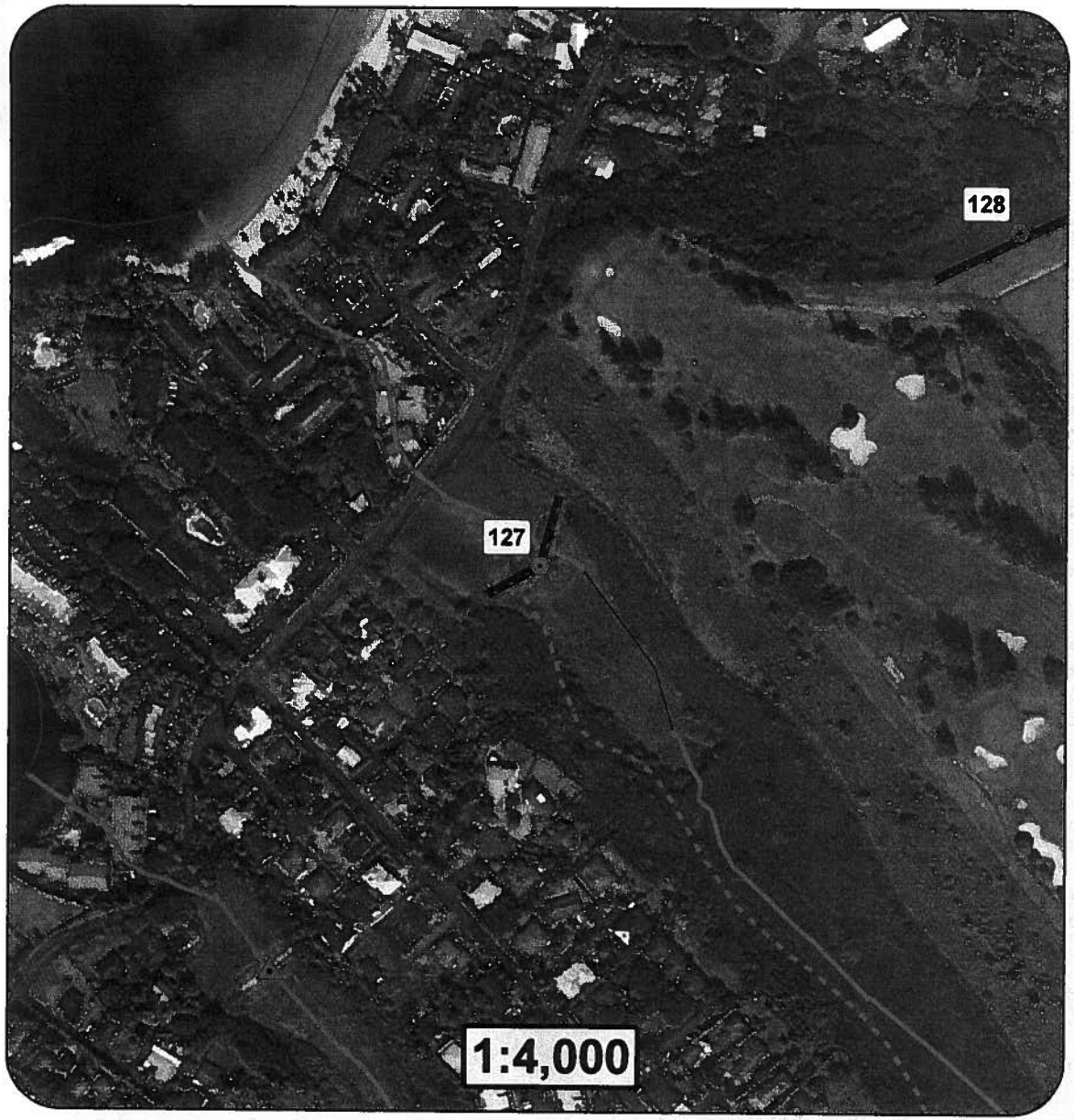
Dam Safety Investigation Maui and Moloka'i, Hawaii	GEI Consultants Bookman-Edmonston Division	Watershed Map Napili 4-5 Desilting Basin (HI-00127)
State of Hawaii		NOVEMBER 2009 FIGURE 3

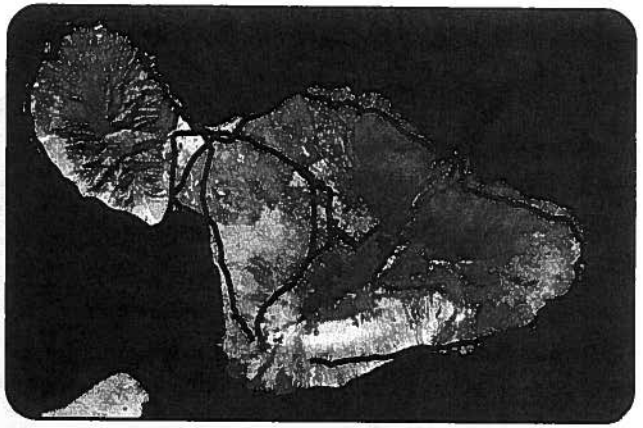
Exhibit 1

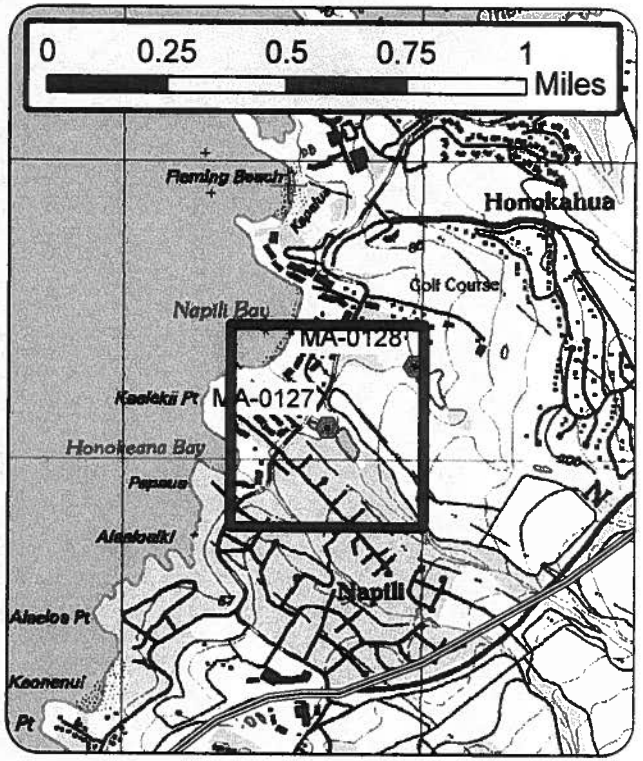
Project Location Map
Storm Runoff Remediation, Napili 4-5 to Napili Bay, TMK (2)4-3-001:003

Source: Maui County GIS, Maui County Real Property Tax

Exhibit 1





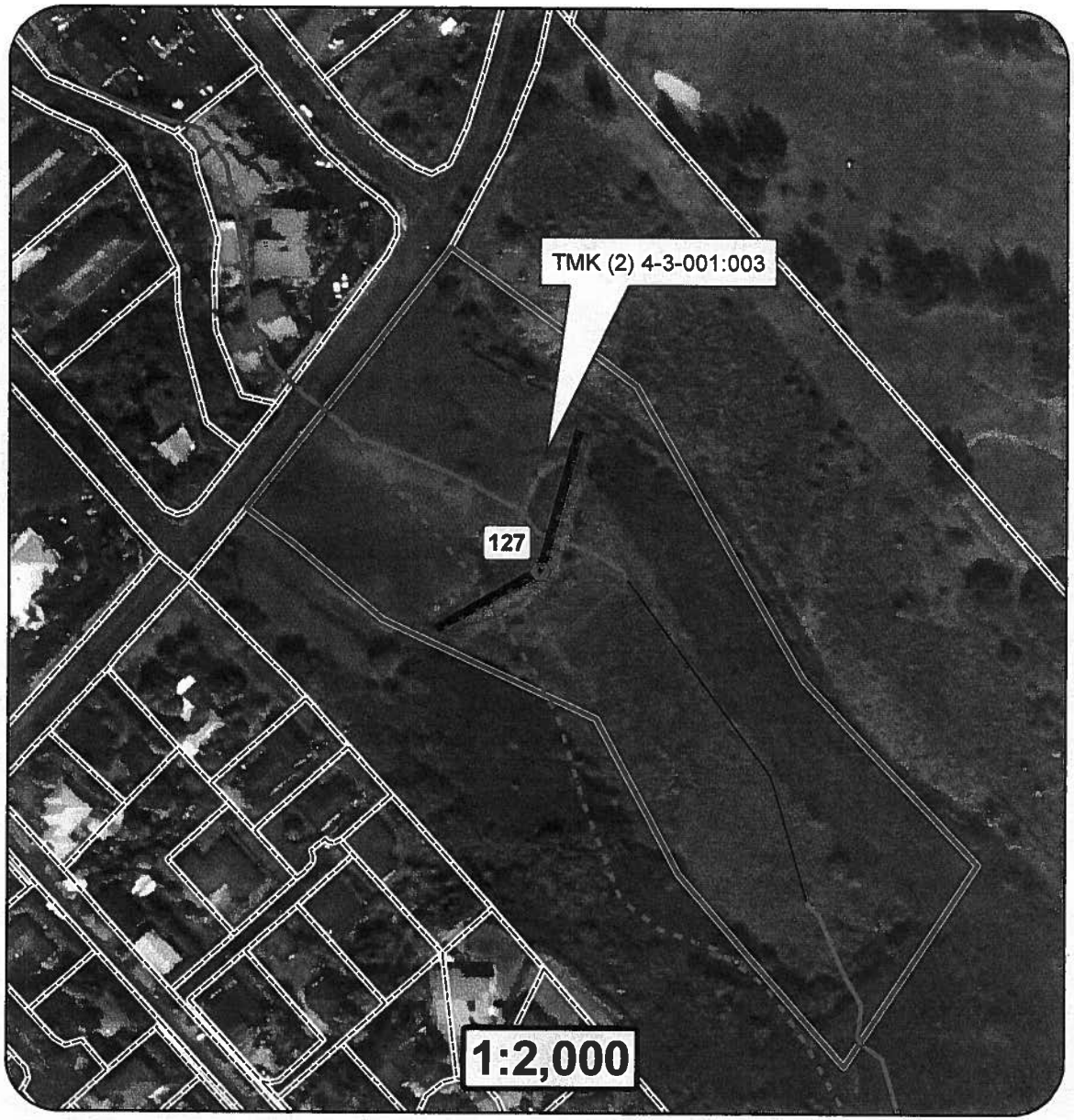


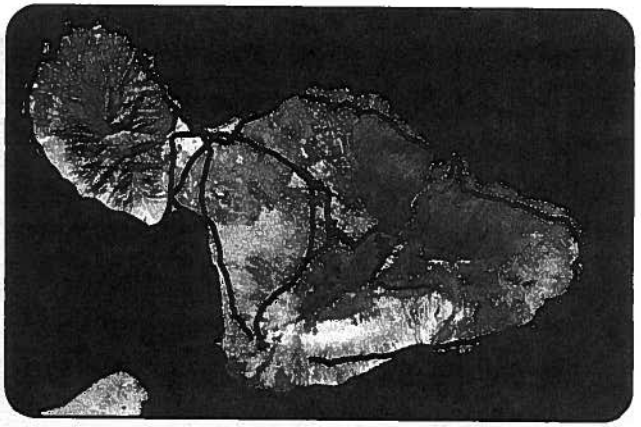
0 300 600 900 1,200 Feet

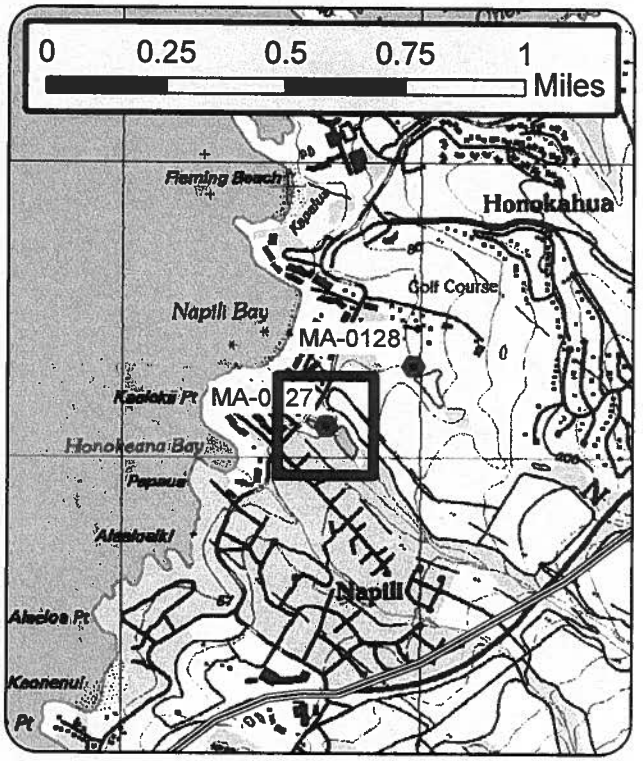
Napili 4-5 Desilting Basin (MA-0127)

N
W E
S

Exhibit 2







0 200 400 600 800 Feet

Napili 4-5 Desilting Basin (MA-0127)

N W E S

Exhibit 2

NAPILI 4-5 DESILTING BASIN

MA-0127

Maui

Exhibit 3


Napili 4-5 Desilting Basin (MA-0127)
Dam from Right Abutment
N 20.993021° W 156.665348°
01
30-03-2011 9:43 AM

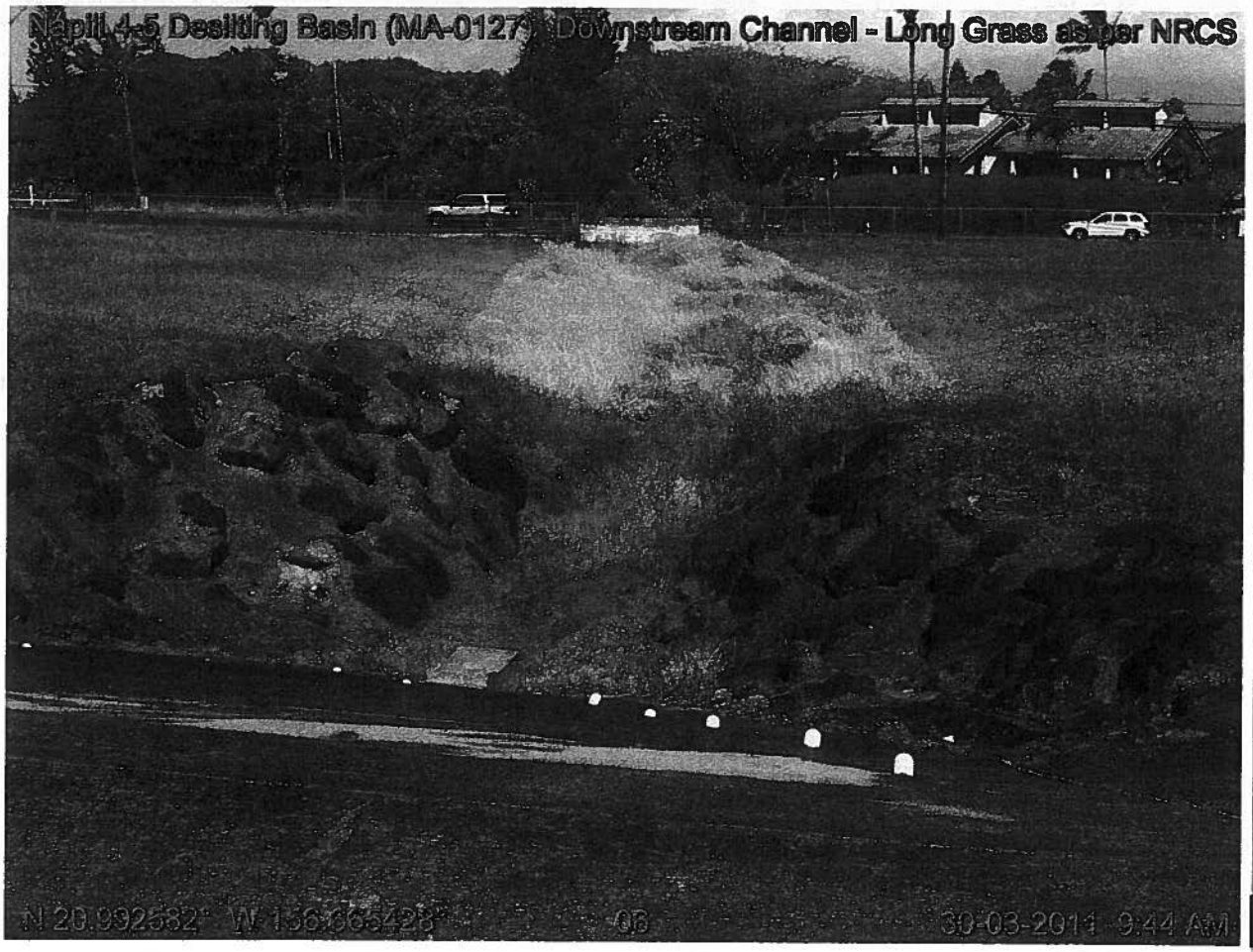
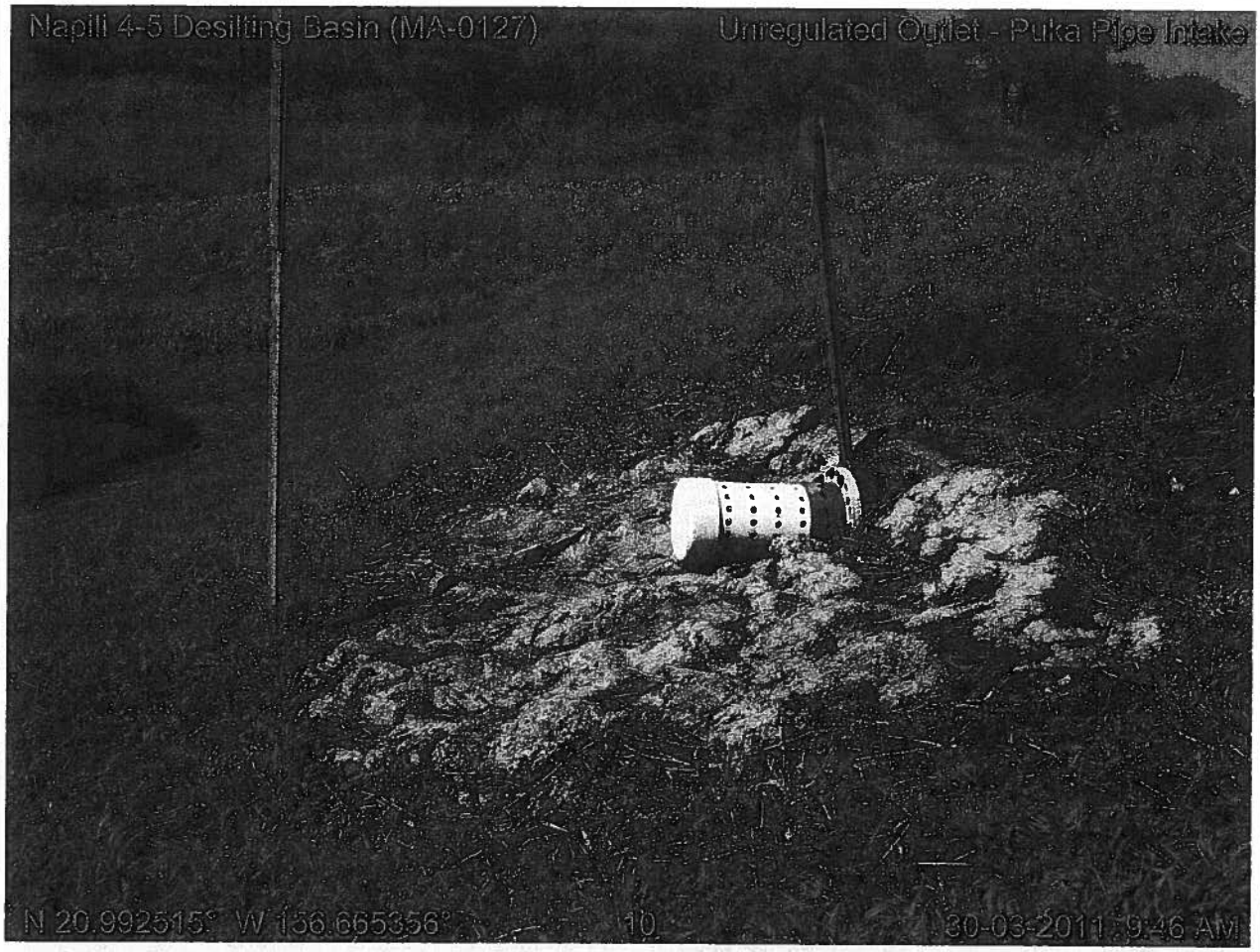

Napili 4-5 Desilting Basin (MA-0127) Downstream Channel - Long Grass as per NRCS
N 20.992532° W 156.665428°
02
30-03-2011 9:44 AM

Exhibit 3


Napili 4-5 Desilting Basin (MA-0127)
Unregulated Outlet - Puka Pipe Intake
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30-03-2011 9:46 AM

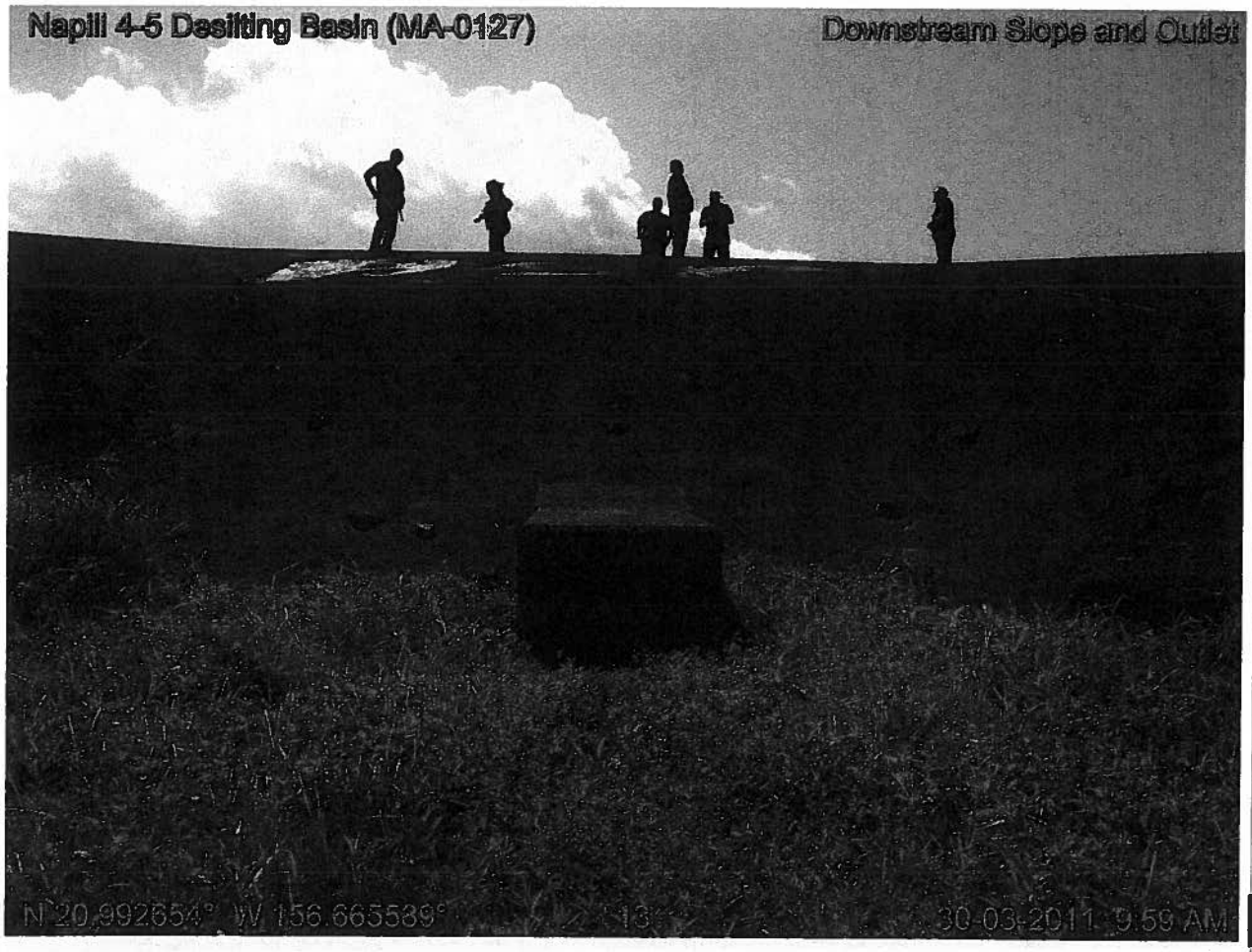
Napili 4-5 Desilting Basin (MA-0127)
Downstream Slope and Outlet
N 20.992654° W 156.665589°
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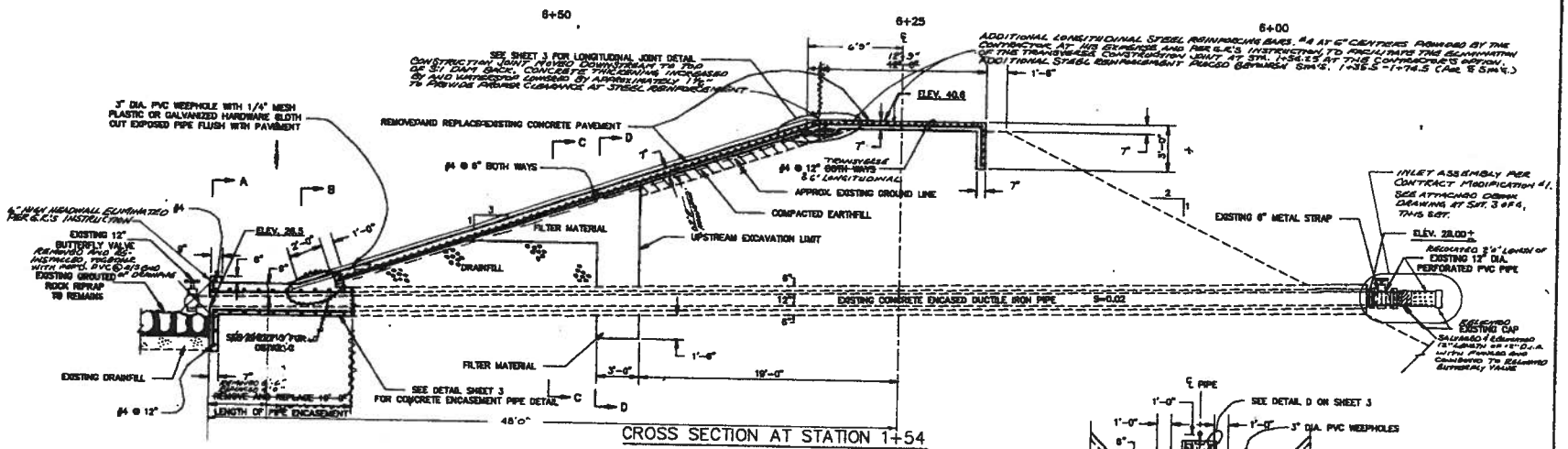
Exhibit 3



AS-BUILT
CONSTRUCTION COMPLETED: 03/21/90

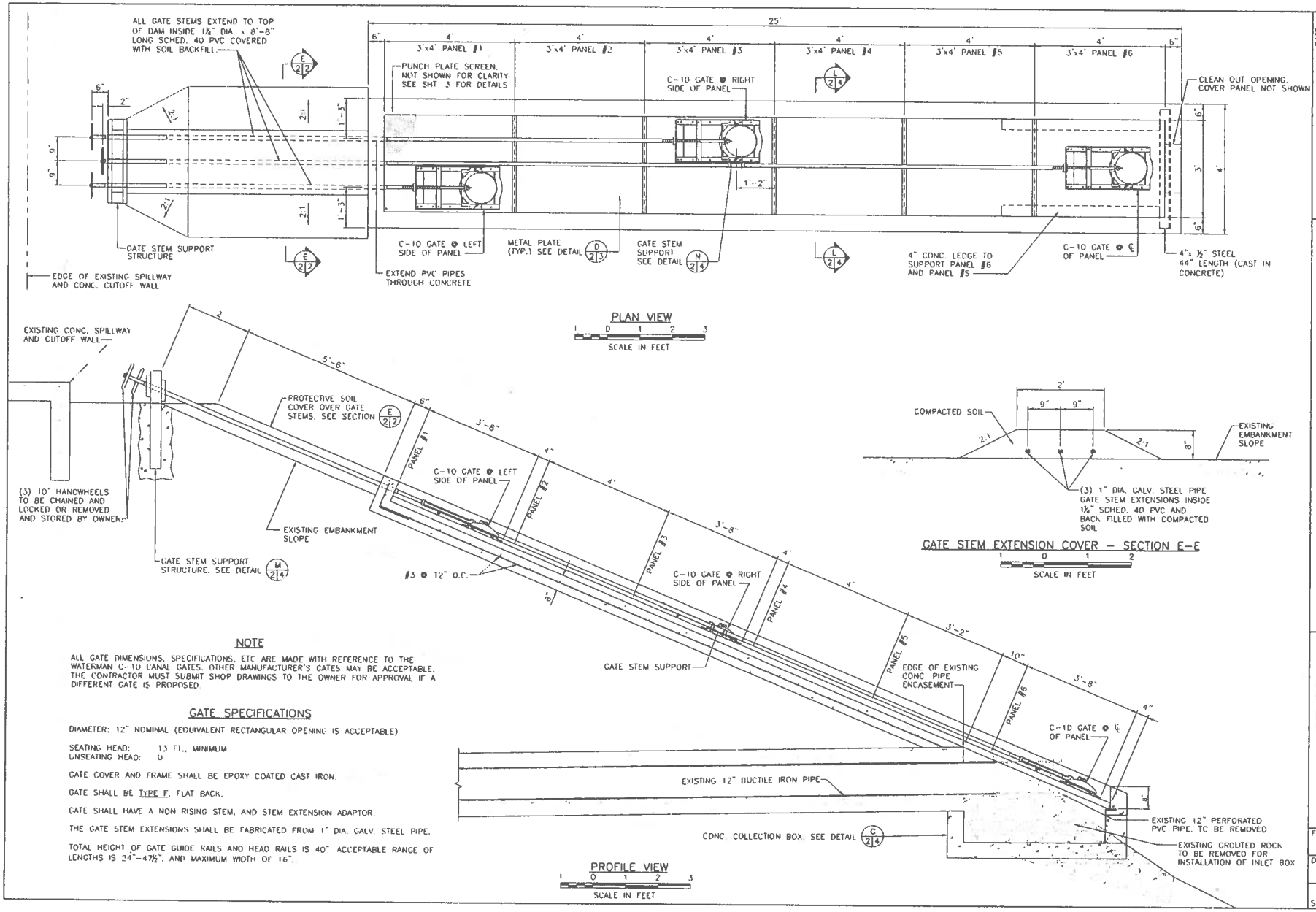
HONOLUA DAMAGE REPAIR
NAPILI 4-5 REPAIR
HONOLUA WATERSHED
COUNTY OF MAUI, HAWAII

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

		Date
Designed	SBO MTH	6/89
Drawn	MT	7/89
Traced		
Checked		

Approved by
Title
Sheet No. 3 of 4
Drawing No. HI-E-08-015

Exhibit 4



NOTE

ALL GATE DIMENSIONS, SPECIFICATIONS, ETC ARE MADE WITH REFERENCE TO THE WATERMAN C-10 CANAL GATES. OTHER MANUFACTURER'S GATES MAY BE ACCEPTABLE. THE CONTRACTOR MUST SUBMIT SHOP DRAWINGS TO THE OWNER FOR APPROVAL IF A DIFFERENT GATE IS PROPOSED.

GATE SPECIFICATIONS

DIAMETER: 12" NOMINAL (EQUIVALENT RECTANGULAR OPENING IS ACCEPTABLE)

SEATING HEAD: 13 FT., MINIMUM
UNSEATING HEAD: 0

GATE COVER AND FRAME SHALL BE EPOXY COATED CAST IRON.

GATE SHALL BE TYPE F, FLAT BACK.

GATE SHALL HAVE A NON RISING STEM, AND STEM EXTENSION ADAPTOR.

THE GATE STEM EXTENSIONS SHALL BE FABRICATED FROM 1" DIA. GALV. STEEL PIPE.

TOTAL HEIGHT OF GATE GUIDE RAILS AND HEAD RAILS IS 40" ACCEPTABLE RANGE OF LENGTHS IS 24"–47½", AND MAXIMUM WIDTH OF 16".

DESIGNED J.E. ANDREWS 01/11
DRAWN D.D. DRGJLLARD 01/11
CHECKED J.E. ANDREWS 01/11
APPROVED

NAPILI 4-5 SEDIMENT BASIN

PLAN AND PROFILE OUTLET DETAIL

COUNTY OF MAUI, HAWAII

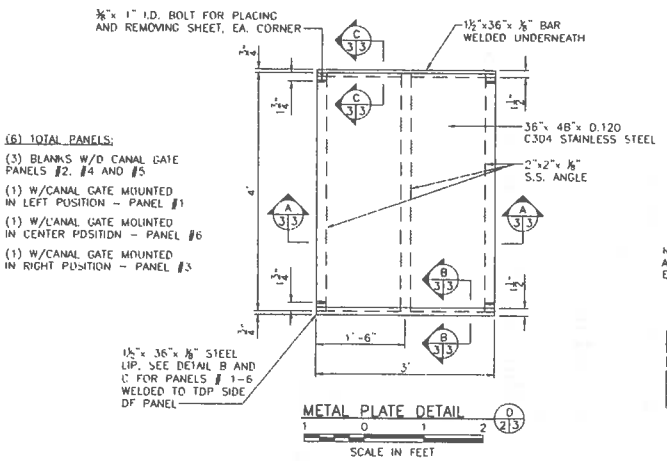
NRCS
Natural Resources Conservation Service
United States Department of Agriculture

FILE NO.

DRAWING NO.

SHEET 2 OF 4

Exhibit 4



METAL PLATE DETAIL

SCALE IN FEET

(6) TOTAL PANELS:

(3) BLANKS W/O CANAL GATE PANELS #2, #4 AND #5

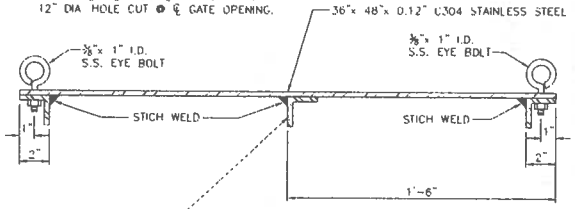
(1) W/CANAL GATE MOUNTED IN LEFT POSITION - PANEL #1

(1) W/CANAL GATE MOUNTED IN CENTER POSITION - PANEL #6

(1) W/CANAL GATE MOUNTED IN RIGHT POSITION - PANEL #3

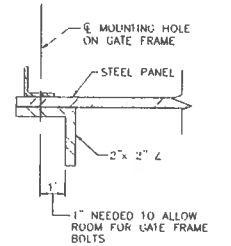
NOTES:

1. CENTER ∠ ON PANELS #2, #4 AND #5 ONLY. NOT REQUIRED ON PANELS #1, #3 AND #6 AS GATE STRUCTURE WILL PROVIDE ADEQUATE STIFFNESS.
2. PANELS #1, #3 AND #6 SHALL HAVE 12" DIA HOLE CUT @ ℄ GATE OPENING.



METAL PLATE - SECTION A-A

SCALE IN FEET

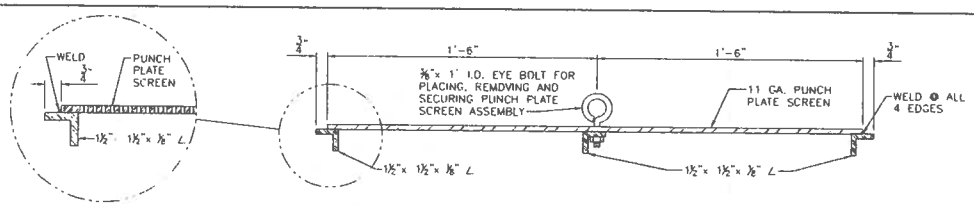


GATE FRAME MOUNTING DETAIL

NOT TO SCALE

NOTES:

1. 12" WATERMAN C-10 CANAL GATE SHALL BE MADE W/40" LONG FRAME. THE GATE SHALL BE CENTERED VERTICALLY ON PANELS #1, #2 AND #6. (4" FROM TOP AND BOTTOM OF PANEL)
2. IN LEFT AND RIGHT MOUNTING POSITION, THE GATE FRAME SHALL BE POSITIONED IN FROM THE EDGE OF THE SHEET SUCH THAT THE ℄ OF THE FRAME BOLT HOLES ARE IN THE CENTER OF THE 2"x 2" ANGLE. (I.E. APPROX. 1" IN FROM EDGE OF SHEET)
3. IN THE CENTER MOUNTING POSITION THE ℄ OF THE GATE SHALL BE POSITIONED ON THE ℄ OF THE SHEET. (I.E. 18" IN FROM EDGE OF SHEET)
4. PANELS 2-6 SHALL HAVE A 1½"W, 36" LONG, ⅛" T C304 BAR STICH WELDED TO THE TOP OF EACH SHEET SUCH THAT ⅛" OF THE BARS WIDTH EXTENDS BEYOND THE SHEET. PANELS 1-6 SHALL HAVE THE SAME BAR ALSO ON THE BOTTOM OF THE SHEET. (SEE SECTIONS B AND C).

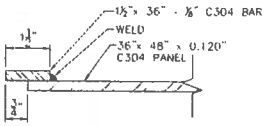


SECTION F-F

0 2 4 6 IN 1 FT

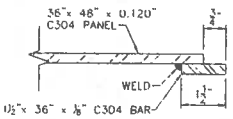
SCALE IN FEET

NOTE:
APPLY SECTION B-B TO ALL PANELS EXCEPT PANEL #6.



SECTION B-B

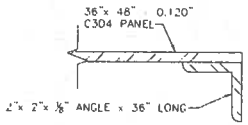
NOT TO SCALE



NOTE:
APPLY DETAIL C-C TO PANELS 2-6.

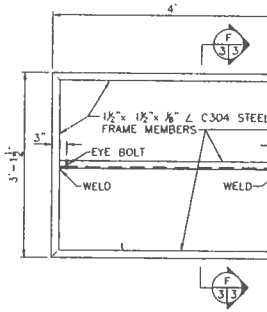
SECTION C-C

NOT TO SCALE



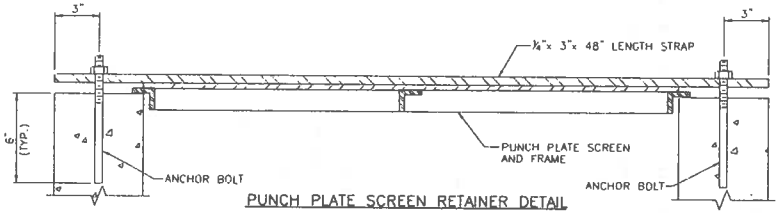
ALTERNATE TOP EDGE DETAIL FOR PANEL #1

NOT TO SCALE



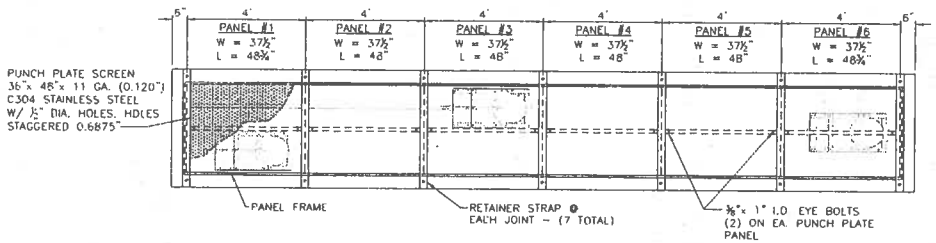
SCREEN PANEL FRAME DETAIL

SCALE IN FEET



PUNCH PLATE SCREEN RETAINER DETAIL

SCALE IN FEET



PUNCH PLATE SCREEN PANEL LAYOUT

1 0 1 2 3 4 5

SCALE IN FEET

DESIGNED J.E. ANDREWS 01/11

DRAWN D.O. DROUILLARD 01/11

CHECKED J.E. ANDREWS 01/11

APPROVED

NAPILI 4-5 SEDIMENT BASIN

STEEL PANEL AND SCREEN PANEL DETAILS

COUNTY OF MAUI, HAWAII

NRCS Natural Resources Conservation Service United States Department of Agriculture

FILE NO.

DRAWING NO

SHEET 3 OF 4

Exhibit 4

CHAPTER 343 ANALYSIS

Project Name: **Outlet Modification of Napili 4-5 Sediment Basin (MA-0127)**
Reviewer: **John Dawley** Date of Review: **21-July-2011**

___ **EA Done with Finding of no Significant Impact (FONSI)**
___ **EIS Done with Finding of no Significant Impact (FONSI)**

If FONSI has been issued no further analysis is required. Date of FONSI: _____

TRIGGERS (HRS §343-5(a))
Is there an "action" that triggers the need for an EA?

Action

An "action" is a program or project:

X Initiated by an agency
___ Initiated by an "applicant"
Any person who, pursuant to statute, ordinance, or rule, officially requests "approval" for a proposed action (discretionary consent required from an agency prior to actual implementation of an action, distinguished from a ministerial consent)
_____ Statute
_____ Ordinance
_____ Rule

Triggers

Yes	No	
X	___	Use of state or county lands or funds
___	X	Use of conservation district lands
___	X	Use within shoreline setback area
___	X	Use of historic site designated on the National or Hawaii registers
___	X	Use of land in the Waikiki Special District
___	X	Amendment to county general plan which would result in designations other than agriculture, conservation, or preservation unless initiated by a county
___	X	Reclassification of conservation lands by the Land Use Commission
___	X	Construction or modification of helicopter facilities that may affect conservation district lands, a shoreline setback area, or a historic site
___	X	Wastewater facilities, waste-to-energy facility, landfill, oil refinery, or power-generating facility

Triggers summary:
Is there a trigger?
If Yes, Go to Exemptions to determine if the program or project is exempt
If it is not exempt an Environmental Assessment is required
If No, No Environmental Assessment required

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CHAPTER 343 ANALYSIS

EXEMPTIONS

Two sources of exemptions: exemption lists or exemptions contained in HAR §11-200-8(a)

1. Exemption Lists
   ____ Division exemption lists
   ____ Department-wide exemption list
   __X__ Other exemption lists - **Exemption List for the County of Maui**

   Explain (which exemption list, which exemption, how it applies):

"Exemption List for the County of Maui" as reviewed and concurred upon the Environmental Council on January 10, 2007. This list also supersedes the previous list that was reviewed and concurred upon by the Environmental Council on April 26, 2007.

Specifically Exemption Class 2 pertaining to the replacement or reconstruction of existing structures or facilities. (Page 4 of 12)

The applicable subclass is 1 – "drainage facilities, earth berms, and stream banks without historic value" (Page 4 of 12) - Exhibit 5

The original design called for a butterfly valve on the upstream slope. This has been removed. The improvement is to put a screened intake with three auxiliary control gates back so that water may be desilted and further screened before being discharged to Napili Bay. The three auxiliary gates will allow for draining if the screened intake were to become clogged. This represents an replacement upgrade at the existing facility.

2. HAR §11-200-8(a) exemptions

   ____ Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving *negligible or no expansion or change of use* beyond that previously existing

   ____ Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have *substantially the same purpose, capacity, density, height, and dimensions* as the structure replaced

   ____ Construction and location of a single, *new, small facilities* or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:
   (a) *Single family residences less than 3,500 square feet* not in conjunction with the building of two or more such units;

Exhibit 5

(b) Multi-unit structures designed for *not more than four dwelling units* if not in conjunction with the building of two or more such structures;

(c) Stores, offices, and restaurants designed for total occupant load of *twenty persons or less* per structure, if not in conjunction with the building of two or more such structures; and

(d) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions *to serve such structures* or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements

____ *Minor alterations* in the conditions of land, water, or vegetation

____ Basic data collection, research, experimental management, and resource evaluation activities that *do not result in a serious or major disturbance* to an environmental resource

____ Construction or placement of *minor structures accessory* to existing facilities

____ *Interior alterations* involving things such as partitions, plumbing, and electrical conveyances

____ Demolition of structures, *except* those structures located on any *historic site* as designated on the National or Hawaii registers

____ Zoning variances *except shoreline* set-back variances

____ Continuing administrative activities including, but not limited to purchase of supplies and personnel related actions; and

____ Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of *affordable housing*, involving *no material change of use* beyond that previously existing, and for which the *legislature has appropriated* or otherwise authorized *funding*

Explain (how the exemption indicated above applies):

_____
_____
_____
_____

Exhibit 5

CHAPTER 343 ANALYSIS

Exemptions summary:

Does the Project qualify for an exemption? Yes X No ___

If Yes, Exemption noted above

If No, Project requires Environmental Assessment

CUMULATIVE IMPACT

Exemptions are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

Additional Notes

_____

_____

_____

_____

Exhibit 5

ALAN M. ARAKAWA
Mayor

DAVID C. GOODE
Director

ROWENA M. DAGDAG-ANDAYA
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955

RALPH NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
200 SOUTH HIGH STREET, ROOM NO. 434
WAILUKU, MAUI, HAWAII 96793

July 21, 2011

MEMO TO: FILE

FROM: DAVID C. GOODE
DIRECTOR OF PUBLIC WORKS

SUBJECT: **STORM RUNOFF REMEDIATION, NAPILI 4-5 TO NAPILI BAY, TMK: (2) 4-3-001:003**

According the "Exemption List for the County of Maui" as reviewed and concurred upon by the Environmental Council on January 10, 2007, we have determined that this project falls under Exemption Class 2 pertaining to the replacement or reconstruction of existing structures or facilities. The applicable specific subclass is: "1, Drainage facilities, earth berms, and stream banks without historic value." Thus, this project is exempt from the preparation of an environmental assessment.

DCG:RMDA:jso
s:\rowena\file_storm runoff remediation napili 4_5 to napili bay 343 exemption

Exhibit 5

EXEMPTION LIST FOR THE COUNTY OF MAUI

HISTORICAL NOTE

This exemption list for the County of Maui was reviewed and concurred upon by the Environmental Council on January 10, 2007. This list also supersedes the previous list that was reviewed and concurred upon by the Environmental Council on April 26, 1995.

GENERAL NOTE

Section 343, HRS authorizes the Environmental Council to establish procedures to exempt specific types of action from the need to prepare an environmental assessment because the action will have minimal or no significant effect on the environment.

The following types of projects will not be exempt:

1. Project requiring detailed analysis as provided in an environmental assessment under §343-5. These include, but are not limited to places listed on the Federal or State registers of historic places.

2. Project in statutorily defined areas, including but not limited to: critical habitats, special management areas, special design districts, registered view planes or scenic corridors, wet lands, sanctuaries, special habitats, shoreline areas, tsunami inundation areas, or other designations; except where the work is eligible for exemption and there is no negative impact on the conditions that defined these areas.

3. Major projects without an Environmental Impact Statement (EIS); an Environmental Assessment with a Finding of No Significant Impact (EA/FONSI); or major projects that were never presented at a public meeting concerning site selection, master plan report, or any phase of incremental construction.

4. Major project without a program to encourage public input into the design or siting of a project.

Pursuant to HAR §11-200-8(B), all exemptions under the following classes in this section are applicable when the cumulative impact of planned, successive actions of the same type, in the same place, over time, is significant; or when an action that is normally insignificant in its impact on the environment may be significant in a particular sensitive environment, as expressed in #2 above.

Pursuant to the administrative rules promulgated under authority of Section 343-6(7), HRS, specifically Section 11-200-8, Hawaii Administrative Rules (HAR); the County of Maui has determined that the following types of actions, where they fall within the given classes of action, shall generally be exempt from the preparation of an environmental assessment.

Exhibit 5

mitigation including, but not limited to, firebreaks, emergency landing zones, staging and operational sites

13. Construction staging areas

EXEMPTION CLASS 2

Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

This exemption class includes agency actions intended to meet the agency's goals and objectives by replacement in whole or in part, the following, provided there is little or no increase in capacity.

1. Drainage facilities, earth berms, and stream banks without historic value

2. Roadways, traffic control devices, accessible ramps and handrails, bollards and vehicle access barriers, driveways, parking lots, walkways, bikeways, jogging paths and multi-use pathways

3. Utility services, including sewer, water, drainage, electrical, communications, irrigation, and fuel systems, except where a State Department of Health permit is required

4. Equipment installations, including but not limited to, pumps; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; heating, ventilation, and air conditioning (HVAC); irrigation controllers; telephone stations; emergency electrical generators; and lifts provided for handicapped accessibility

5. Fencing, curbing, walls, and gates

6. All Parks and Recreation buildings, structures, athletic fields, athletic courts, botanical gardens, plant nurseries, and skate parks

7. Replacement or reconstruction of existing

Exhibit 5

DAM SAFETY PERMIT GENERAL CONDITIONS

APPROVAL OF PLANS AND SPECIFICATIONS FOR DAM AND RESERVOIR CONSTRUCTION, ENLARGEMENT, REPAIR, ALTERATION OR REMOVAL

The following General Conditions shall be adhered to for all Dam Safety permits unless otherwise authorized in writing.

1. Actual construction, enlargement, repair, alteration or removal shall be completed within 5 years of issuance of the permit application approval unless an extension authorized in writing by the Board is issued.
2. Prior to the start of work the owner or applicant shall provide a construction engineer to ensure compliance with the approved plans and specifications and who shall have ultimate responsibility for the supervision of all inspection tasks. The construction engineer may assign some inspection tasks to a duly authorized agent under the construction engineer's supervision. The engineer shall be licensed in the State of Hawaii.
3. The construction engineer shall maintain a record of construction that at a minimum, shall include, daily activity, and progress reports, all test results pertaining to construction; photographs sufficient to provide a record of foundation conditions and various stages of the construction through completion, all geologic information obtained; and construction problems and remedies.
4. A construction quality assurance plan shall be prepared and submitted to the Department for approval prior to the start of construction, which details the minimum requirements of the construction engineer's observation of construction.
5. A construction schedule, which includes the notice to proceed date and estimated project duration and a construction emergency action plan shall be submitted prior to the preconstruction meeting.
6. A preconstruction meeting shall be held subsequent to submitting the quality assurance plan, construction schedule and construction emergency action plan, but not later than 14 days prior to the start of construction. All parties actively involved in the construction should be requested to attend, such as the dam owner, the design engineer, the construction engineer, the contractor and the Department.
7. The Department shall be notified 5 calendar days prior to the commencement of construction.
8. Any changes from the approved plans and specifications shall be approved by the design engineer and a change order, including details and supporting calculations, must be provided to the Department. Major changes must be submitted in writing with supporting documentation and approved in writing by the Department. No work shall be initiated until the approval by the Department or Board is received. Minor changes may be transmitted verbally and approved by the Department verbally provided that documentation of the change is provided to the Department within 10 days of the approval.

Exhibit 6

9. For new dam construction and for dams and reservoirs that have lowered the water level or have been drained to facilitate construction, the construction engineer shall file and obtain approval of a filling plan with the Department. The applicant/owner shall not proceed with the filling of the reservoir until it receives permission from the Department. The construction engineer shall provide documentation of monitoring during the filling operation.
10. Prior to the filling of the reservoir, the construction engineer shall submit one copy each of the approved Operations Manual and the approved Emergency Action Plan for the facility upon completion of the project as applicable.
11. The construction engineer shall give the Department at least ten days advanced notice of initial materials placement of the dam's foundation, in the cutoff trench, outlet backfill, outlet foundation, and any appurtenance requested by the Department in the approval of the plan for construction observation, to allow for observation by the Department.
12. Notice of substantial completion shall be issued by the construction engineer to the Department stating that the permitted improvements are functionally complete such that filling of the reservoir can be initiated with an approved filling plan.
13. The construction engineer shall give the Department fifteen (15) calendar days advance written notice prior to the project's final construction inspection. The construction engineer shall coordinate with the Department to conduct this inspection in the presence of the Department's dam safety personnel.
14. The construction engineer shall provide notice at least ten (10) days prior to initiating filling the reservoir, unless agreed at the final inspection.
15. If conditions are revealed which will not permit the construction, enlargement, repair, alteration, or removal of a safe dam or reservoir, the application for approval for construction, enlargement, repair, alteration, or removal shall be revoked.
16. A topographic survey of completed work including all monuments, inverts, crest alignment, spillways, and significant appurtenant features, when required by the Department shall be completed.
17. The applicant/owner shall utilize appropriate erosion control best management practice measures during construction to minimize turbidity (such as scheduling of work during period of low stream flow) and prevent debris and construction materials, including concrete, petroleum products, and other pollutants from enter the waters of the State. Construction related water and debris should be properly disposed of in a legal and environmentally safe manner and in accordance with the Department of Health and other Federal regulations.
18. The applicant/owner shall submit a copy of the dam safety application and the plans and specifications of the proposed improvements to the County Engineer of the County for which the dam resides for compliance with County codes.
19. Within fifteen (15) calendar days of completing the project, the applicant/owner or its representative shall provide the Department with a confirmation letter of compliance, signed and stamped by the construction engineer, indicating that the construction

Exhibit 6

was completed in accordance to approved plans and specifications including any field changes. The construction engineer shall submit the remaining construction completion documents which may include, but not be limited to, as-constructed drawing, final construction report, topographic survey, record of the location of permanent monuments, log of recorded water levels and other readings from the refilling operation, long-term instrumentation monitoring plan, and affidavit showing the actual cost of construction including engineering costs, within 60 calendar days of the submittal of the final construction inspection.

20. Construction completion documents and the construction engineer's certification shall be provided to the Department within 60 days of the final construction inspection. The Department will review the submitted items and furnish acceptance or denial within 60 days of receipt of satisfactorily completed construction completion documents and close out the dam safety permit.

21. This permit does not relieve the applicant/owner of their obligations to comply with all applicable Federal, State, and County regulations.

Exhibit 6